

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. FRIST. Mr. President, I announce to my colleagues, if cloture is invoked on the Johnson nomination, we do not expect a vote on the underlying nomination. Also, we do not have a request for a vote on the Portman nomination. Therefore, this may be the last vote of the evening, if cloture is invoked.

The PRESIDING OFFICER. The Senator from Virginia is recognized for 3 minutes.

#### CONGRATULATING SENATOR WARNER

Mr. ALLEN. Mr. President, as the clock strikes midnight, an historic event will occur for all of us in the Senate, but obviously an important date in the history of Virginia. In all of our history, we have had 51 Senators from the Commonwealth of Virginia, such as John Tyler who became President, and Madison, and many great Senators. A historic achievement is being achieved tonight with my wonderful partner and our colleague, JOHN WARNER, which is a testament to his abilities as a leader and the high esteem in which he is held by the people of Virginia.

Tonight, in fact at this very moment, our wonderful colleague JOHN WARNER surpasses on the all-time list Senator Carter Glass, who served in this body for over 26 years. Senator WARNER's extraordinary term of service is now second to only Harry Byrd in serving in the Senate. He was elected in 1978 and he has spent the last 26 years serving this country.

He is a man who loves his job. He is a man from whom we always learn something new, valuable, insightful, or humorous. He is a unique blend of a military leader, having served in World War II and in Korea.

Mr. WARNER. Mr. President, I ask unanimous consent that the balance of his remarks be printed in the RECORD.

Mr. ALLEN. No, I object. He is a country gentleman, a legal scholar, a historian, a great storyteller, and an esteemed statesman, all with the joy of life of a 12-year-old boy. He loves his job. He loves the Senate. And we love him and congratulate him on this momentous occasion.

(Applause, Senators rising.)

#### EXECUTIVE SESSION

#### NOMINATION OF STEPHEN L. JOHNSON TO BE ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session, and the clerk will report Calendar No. 61.

The legislative clerk read the nomination of Stephen L. Johnson, of Mary-

land, to be Administrator of the Environmental Protection Agency.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. CARPER. Mr. President, as one who grew up in Danville and Roanoke, VA, as one who served in the U.S. Navy with JOHN WARNER as our Secretary of the Navy, I join my friend GEORGE ALLEN and all of you in saluting him. It has been my privilege to serve under him as a naval flight officer for a number of years. It has been my privilege to serve with him and with all of you for about the last 4 years.

During that time I have worked with a number of you on our side and on the Republican side to try to find common ground with respect to issues such as class action, asbestos litigation reform, bankruptcy, the next step in welfare reform, a comprehensive energy policy, a business model for the Postal Service in the 21st century. The list goes on.

As a former Governor, one who used to nominate people to serve in cabinet posts and judgeships, I have generally voted to confirm the men and women President Bush has nominated to serve on his team. In a number of instances I have gone well beyond just voting for a nominee of the President but advocating for them. I will give some examples. Tommy Thompson was nominated for Secretary of Health and Human Services. I called him and said: Congratulations; how can I help you get confirmed and how can I help get your team confirmed? I did the same thing with Tom Ridge when he was nominated for Secretary of Homeland Security. I did the same thing with Christie Whitman when she was nominated for EPA, and I did the same thing for Mike Leavitt when he was nominated to head EPA.

I stand before you tonight taking a different posture. I have never put a hold on any nominee in any time I have served here. It is not in my modus operandi. But I have done it tonight and with a good man, Stephen Johnson, who has been nominated by this President to lead the EPA. I am convinced if he is confirmed, he would do a good job.

I stand here tonight asking that we not confirm him at this time. I will tell you why. For the last 3 years, I have been asking the Environmental Protection Agency to give us comparative data, comparing the President's Clear Skies proposal, the proposal of Senator JIM JEFFORDS, SUSAN COLLINS, and JOE LIEBERMAN, and a bipartisan bill I have introduced with several of you. We have asked for comparative data, modeling that actually says this is what each of the bills will do on the economic front. This is what they would do on the environmental front, and here is what they would do on the public health front.

I made that request first in 2002, again in 2003, again in 2004, and again in 2005. I am not going to go into the litany of responses. My friends, the response has been ultimately dis-

appointing. We have tried to compromise. The administration offered us a deal. We have come back with a counterproposal. We have not been able to find middle ground.

Tonight we end up with a decision to go for cloture. For those of you who are going to vote no on cloture, I say thank you. For those who are going to vote yes, let me say this: My friends, I don't care who is President. I don't care who is running EPA. I don't care who is in the majority here. When we are voting on issues such as clean air or clean water or these kinds of issues and we need good scientific data, by golly, we ought to get it. We should not have to beg for it. I don't care who is running this place. We should get it. We should be able to make these decisions based on good science. That is what I want.

The real tragedy, if Stephen Johnson is confirmed tonight—and I wish him well if he is—is we have missed an opportunity not only to confirm a good man, but we will have missed an opportunity to provide this side with, frankly, the kind of scientific data we can go forward with and actually do a good bill, adopt a good clean air bill that will do a good job in reducing sulfur dioxide, nitrogen oxide, and mercury, and slowing the growth of carbon dioxide. We have missed an opportunity if we go forward tonight.

For those who are standing with me, I say thank you. For those who are not, I ask you to remember, someday we will have a Democratic President. Someday we will have a Democratic majority in this Senate. Be careful of the bed that you make, because someday you will get to sleep in it.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. VOINOVICH. Mr. President, I rise in support of the nomination of Stephen Johnson to be Administrator of the EPA. This Senate should vote for cloture and support this nomination.

As chairman of the Oversight of Government Management Subcommittee, I am very interested in the management of our Federal Government. Finding the right people with the right skills to run our Nation's agencies is very important. And President Bush has found the right person to lead the EPA.

Mr. Johnson will be the first career official to hold the position. He has worked at the EPA for 24 years and for 8 of the 9 EPA Administrators. He knows the inner workings and personnel at the agency which may be exactly what is needed to manage it. He has managed virtually every aspect of the agency's rulemaking process.

One of his strongest qualifications is he will be the first professional scientist to be the director of the Environmental Protection Agency. He has already been confirmed twice by the Senate as assistant administrator in 2001 and deputy administrator in 2004. There is a real need at the EPA to have him confirmed. The agency has had four Administrators in 4 years.

Mr. Johnson is serving as both deputy administrator and acting administrator. The agency has a number of other open positions. It is crying out for leadership. I imagine some of my colleagues are wondering why there is any controversy. I am the chairman of the Clean Air Subcommittee. The controversy over this nomination does not come from the EPW Committee as it overwhelmingly voted 17 to 1 in favor of his nomination.

The ranking member, Senator JEFFORDS, stated, when he was nominated:

I applaud the decision to nominate Stephen Johnson to head the EPA, and will work to move his nomination through the Senate.

Senator LIEBERMAN also was very complimentary about Mr. Johnson and about the fact that he was qualified and that he was needed at the agency.

I wanted you all to know that we have been working for the last 4, 5 months to pass a bill to reduce power-plant emissions by 70 percent. Senator CARPER and I, who are very good friends, have spent countless hours trying to compromise. He sent a letter to the EPA requesting an analysis that would take several months to complete. Senator CARPER has placed a hold on a nomination because he wants information. Senators have a right to information, but because he wants more analysis performed, here are the facts: EPW has held 24 hearings on multiemissions legislation. EPA has provided Congress with thousands of pages of information. EPA career staff has stated this is the most analyses they can ever remember being performed on a proposal.

Mr. President, I am particularly talking to my colleagues on the other side of the aisle. We have more information than the whole Congress had when it passed the Clean Air Amendments in 1990. In May of 2004, the Energy Information Administration performed an analysis similar to what Senator CARPER is requesting. Last year, the administration went much farther than I would have gone. They agreed to do another comprehensive analysis to provide 12 pieces of information on 4 proposals, including many of the things that we have been talking about.

This is not a small analysis. It is going to take 6 to 8 weeks—did you hear me?—to complete.

To reiterate, we have had four administrators in 4 years, and things are not getting done at the EPA. Unfortunately, Mr. Johnson's nomination is being held hostage because of an issue that pales—this difference of opinion pales when you consider how desperately the EPA needs a Director right now. We have to have somebody there to get the leadership.

As I say, I understand my colleagues on the other side of the aisle have said we are going to vote en masse against cloture. Johnson is a good man. He is desperately needed at EPA, and I urge you to vote for cloture so we can con-

firm the scientist and the first career official to be administrator of the EPA. Thank you.

I yield the floor.

Mr. REID. Mr. President, I yield back my time.

#### CLOTURE MOTION

The PRESIDING OFFICER. The minority leader yields back the time.

Under the previous order, the clerk will report the motion to invoke cloture.

The assistant legislative clerk read as follows:

#### CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on Executive Calendar No. 61, the nomination of Stephen L. Johnson, of Maryland, to be Administrator of the Environmental Protection Agency.

Bill Frist, J.M. Inhofe, Sam Brownback, Kay Bailey Hutchison, David Vitter, Orrin Hatch, Elizabeth Dole, Lisa Murkowski, Bob Bennett, John Cornyn, Lamar Alexander, Johnny Isakson, C.S. Bond, Michael B. Enzi, Mike DeWine, John Ensign, Ted Stevens.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the nomination of Stephen L. Johnson, of Maryland, to be Administrator of the Environmental Protection Agency shall be brought to a close?

The yeas and nays are mandatory under the rule. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. McCONNELL. The following Senator was necessarily absent: the Senator from Mississippi (Mr. LOTT).

Mr. DURBIN announced that the Senator from Connecticut (Mr. LIEBERMAN) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 61, nays 37, as follows:

[Rollcall Vote No. 115 Leg.]

#### YEAS—61

Alexander	DeWine	McConnell
Allard	Dole	Murkowski
Allen	Domenici	Nelson (FL)
Baucus	Ensign	Nelson (NE)
Bennett	Enzi	Roberts
Bond	Feingold	Santorum
Brownback	Feinstein	Sessions
Bunning	Frist	Shelby
Burns	Graham	Smith
Burr	Grassley	Snowe
Byrd	Gregg	Specter
Chafee	Hagel	Stevens
Chambliss	Hatch	Sununu
Coburn	Hutchison	Talent
Cochran	Inhofe	Thomas
Coleman	Isakson	Thune
Collins	Kyl	Vitter
Cornyn	Leahy	Voinovich
Craig	Lugar	Warner
Crapo	Martinez	
DeMint	McCain	

#### NAYS—37

Akaka	Bingaman	Carper
Bayh	Boxer	Clinton
Biden	Cantwell	Conrad

Corzine	Kerry	Reed
Dayton	Kohl	Reid
Dodd	Landrieu	Rockefeller
Dorgan	Lautenberg	Salazar
Durbin	Levin	Sarbanes
Harkin	Lincoln	Schumer
Inouye	Mikulski	Stabenow
Jeffords	Murray	Wyden
Johnson	Obama	
Kennedy	Pryor	

#### NOT VOTING—2

Lieberman	Lott
-----------	------

The PRESIDING OFFICER. On this vote, the yeas are 61, the nays are 37. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

The question is, Will the Senate advise and consent to the nomination of Stephen L. Johnson, of Maryland, to be Administrator of the Environmental Protection Agency.

The nomination was confirmed.

#### NOMINATION OF ROBERT J. PORTMAN TO BE UNITED STATES TRADE REPRESENTATIVE

The PRESIDING OFFICER. Under the previous order, the clerk will report Executive Calendar No. 74.

The legislative clerk read the nomination of ROBERT J. PORTMAN, of Ohio, to be United States Trade Representative.

The PRESIDING OFFICER. Under the previous order, the cloture motion on the nomination is vitiated, and there is now 1 hour for debate under the control of the Senator from Arkansas, Mrs. LINCOLN, and 10 minutes equally divided between the chairman and the ranking member.

Who yields time?

The Senator from Arkansas.

Mrs. LINCOLN. Mr. President, I certainly do appreciate my colleagues' patience this evening. I know that it is late. I apologize for keeping people here late. I find it quite ironic that I come to the floor this late in the evening under the same purposes as my colleague from Delaware, Senator CARPER. Most of it is out of disappointment in the lack of response from this administration on an issue that I think is absolutely critical to the fabric of this Nation, critical to our families, and critical to our children.

I have asked that the Senate take time tonight to debate the nomination of ROBERT PORTMAN to be the U.S. Trade Representative to highlight some of the issues related particularly to Saudi Arabia that I believe deserve more time and attention than they have been getting. I certainly expect Congressman PORTMAN will become involved with these issues in his new position.

I support the nomination of Congressman PORTMAN to be our country's top trade negotiator. I have met with him. I have served with him. I believe he brings the right skills to the position and that he will do a very good job at representing our Nation and its vital interest in that position.